

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACHARY PAUL FRIESEN,

Defendant.

4:16CR3131

ORDER

Defendant's counsel, Nancy K. Peterson, has moved to withdraw. (Filing No. 26). The court held a hearing on the issue. Having listened to Defendant's explanation, the Court finds Defendant has failed to fully cooperate with counsel and has been unwilling to listen to her advice. That is not a sufficient grounds for appointment of new counsel.

Defendants states he has hired Carlos Monzon to represent him. The record reflects no entry of appearance by new counsel for Defendant. A criminal defendant must be represented by counsel throughout all stages of a case.

Finally, based on the information presented during the hearing, Defendant is not prepared for his trial currently set for April 17, 2017.

Accordingly,

IT IS ORDERED:

1) Defense counsel's motion to withdraw, (Filing No. 26), is denied without prejudice to re-filing upon the entry of appearance of new counsel or a motion to appoint counsel with a supporting financial affidavit.

2) Trial of this case is continued and is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on June 5, 2017, or as soon

thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.

3) Based upon the representations of defense counsel and the defendant, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and June 5, 2017, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

April 12, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge